IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETIITION (L) NO.1064 OF 2019

Prakash Dattaram Bhandari ...Petitioner

V/s.

The Tehsildar and another ...Respondents

WITH

WRIT PETITION (L) NO.1106 OF 2019

Sandeep Balchandra Yadav ...Petitioner

V/s.

The Tehsildar and another ...Respondents

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Mr. Brijesh Shukla for the Petitioners in both petitions.
Mrs. Uma Palsule-Desai, A.G.P. for Respondent Nos.1 and 2

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CORAM : R. M. BORDE & N. J. JAMADAR, JJ.

DATE : APRIL 10, 2019

PC :

1. The petitioners are allegedly raising construction on the Mangrove land which according to the petitioners

itself is disputed question. Relying upon decision recorded in PIL No.87/2006 decided on 17/09/2018 the action for demolition is initiated by the respondents. The petitioner has challenged the action of demolition by presenting suit bearing No.638 of 2019 in the court of City Civil Court, at Bombay and application tendered by the petitioner claiming ad-interim relief in the said suit has been turned down by the Trial Judge by order dt.08-03-2019 and the appeal challenging the said order has also been rejected, as informed by the petitioner. The petitioner contends that since the directions have been issued by the High Court in PIL 87 of 2006 decided on 17/09/2018, City Civil Court, as well as, Appellate forum did not entertain the request of the petitioner for grant of interim relief. The petitioner contends that instant petition be entertained and appropriate direction be granted till the disputed question, as to whether the structure is within territory of 50 meter of the Mangrove area is decided. The question of fact raised in the instant matter need not be adjudicated in exercise of extraordinary

jurisdiction under Article 226 of the Constitution of India, 1950.

2. Reference is also made to the decision in PIL No.87 of 2006 decided on 17/09/2018 wherein issue was raised in respect of destruction of Mangroves in the entire State of Maharashra. It is observed in the order passed in the aforesaid PIL that regardless of ownership of the land having Mangroves and the area of the land, all constructions taking place within 50 meters on all sides of all Mangroves area shall be forthwith stopped.

3. Keeping open liberty for petitioner to avail of appropriate remedies available in law, instant writ petitions stand rejected.

(N. J. JAMADAR, J.) **(R. M. BORDE, J.)**